

<p>Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address</p>		<p>FOR COURT USE ONLY</p>	
<p><input type="checkbox"/> Attorney for Debtor(s) <input type="checkbox"/> Debtor(s) appearing without an attorney</p>			
<p>UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - _____ DIVISION</p>			
<p>(In re: _____)</p> <p>Debtor(s).</p>		<p>CASE NO.: _____</p> <p>CHAPTER: _____</p>	
		<p>NOTICE OF MOTION AND MOTION TO AVOID LIEN UNDER 11 U.S.C. § 522(f) (PERSONAL PROPERTY)</p>	
		<p>[No hearing required unless requested under LBR 9013-1(o)]</p>	

Creditor Name: _____

TO THE CREDITOR, CREDITOR'S ATTORNEY AND OTHER INTERESTED PARTIES:

1. NOTICE IS HEREBY GIVEN that the Debtor(s) hereby moves this court for an Order, without a hearing, avoiding a lien on the grounds set forth below.
2. **Deadline for Opposition Papers:**
Pursuant to LBR 9013-1(o), any party objecting to Debtor's Motion may file and serve a written objection and request a hearing on this Motion. If you fail to file a written response within 14 days of the date of service of this Notice, plus an additional 3 days unless this notice of motion and motion was served by personal delivery or posting as described in F.R.Civ.P. 5(b)(2)(A)-(B), the court may treat such failure as a waiver of your right to oppose this Motion and may grant the requested relief.
3. **Type of case:**
- a. ☐ A Voluntary Petition under Chapter ☐ 7 ☐ 11 ☐ 12 ☐ 13 was filed on: _____
- b. ☐ An Involuntary Petition under Chapter ☐ 7 ☐ 11 was filed on: _____
☐ An Order of Relief under Chapter ☐ 7 ☐ 11 was entered on: _____
- c. ☐ An Order of Conversion to Chapter ☐ 7 ☐ 11 ☐ 12 ☐ 13 was filed on: _____
- d. ☐ Other: _____

4. **Procedural Status:**

- a. ☐ Name of Trustee Appointed (*if any*): _____
- b. ☐ Name of Attorney of Record for Trustee (*if any*): _____

5. Debtor claims an exemption in the subject real property under:

- a. ☐ California Code of Civil Procedure § _____ (Homestead): Exemption amount claimed on Schedules: \$ _____
- b. ☐ California Code of Civil Procedure § _____ Exemption amount claimed on Schedules: \$ _____
- c. ☐ Other Statute (*specify*): _____
- d. ☐ Other Statute (*specify*): _____

6. Debtor's entitlement to an exemption is impaired by a non-judicial lien, the details of which are as follows:

- a. On (*specify date*): _____ Debtor(s) obtained a consumer loan from Respondent in the principal amount of (*specify amount*): \$ _____
- b. As security for said loan, Debtor(s) gave Respondent a security interest in certain personal property in Debtor's possession.
- c. The loan was neither obtained nor used for the purpose of buying the personal property described in Paragraph (b) above.
- d. The current balance due on the loan is (*specify amount*): \$ _____

7. On Schedule C, Debtor(s) claimed an exemption in said personal property.

8. Debtor(s) alleges that the fair market value of each individual item of the personal property claimed exempt is set forth in a declaration attached hereto. (*Attach Debtor's declaration to this motion*)

9. Debtor(s) attaches the following documents in support of the motion (*as appropriate*): _____

- a. ☐ Schedule C listing all exemptions claimed by Debtor(s)
- b. ☐ Loan Agreement
- c. ☐ Security Agreement
- d. ☐ Declaration of Fair Market Value
- e. ☐ Other (*specify*): _____
- f. ☐ Other (*specify*): _____
- g. ☐ Other (*specify*): _____

Total number of attached pages of supporting documentation: _____

10. Debtor(s) declares under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this motion was executed on the following date at _____, California.

WHEREFORE, Debtor(s) prays that this court issue an Order (a copy of the form of which is submitted herewith and has been served) avoiding the subject lien.

Dated: _____

By: _____
Signature of Debtor

Name: _____
Type Name of Debtor

Dated: _____

By: _____
Signature of Attorney for Debtor

Name: _____
Type Name of Attorney for Debtor

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

A true and correct copy of the foregoing document described as **NOTICE OF MOTION AND MOTION TO AVOID LIEN UNDER 11 U.S.C. § 522(f) (PERSONAL PROPERTY)** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner indicated below:

I. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF")** – Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s) ("LBR"), the foregoing document will be served by the court via NEF and hyperlink to the document. On _____, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email address(es) indicated below:

☐ Service information continued on attached page

II. **SERVED BY U.S. MAIL OR OVERNIGHT MAIL**(indicate method for each person or entity served):

On _____, I served the following person(s) and/or entity(ies) at the last known address(es) in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and/or with an overnight mail service addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

III. **SERVED BY PERSONAL DELIVERY, FACSIMILE TRANSMISSION OR EMAIL** (indicate method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on _____, I served the following person(s) and/or entity(ies) by personal delivery, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Date

Type Name

Signature